

Appl. No. 10/690,168

Amdt. dated November 11, 2005

Response to Office Actions Mailed November 8 and June 15, 2005

**Remarks**

This amendment is in response to the Office Actions mailed November 8, 2005 and June 15, 2005. In response to the November 8, 2005 Notice of Non-Compliant Amendment, the text of withdrawn claims 14-19 is now shown in this response. The remainder of this response is directed to the Office Action of June 15, 2005. Claims 1-19 were in this application. Claims 14-19 have been withdrawn. Claims 1-13 were rejected. Claims 2-4 and claims 6-11 have been cancelled. Claims 1, 5, 12 and 13 have been amended and remain in this application. The specification has also been amended.

**Objections to the Drawings**

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(4) because reference characters "36" and "32" have both been used to designate the recess chamber. The Examiner also objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because the drawings do not include reference character "36" mentioned on pages 7-9 of the specification.

The specification has been amended to delete reference to character "36" and to properly associate the recess chamber with character "32". The Applicant respectfully contends that the amended specification now corresponds to the drawings. Therefore, Applicant requests that the objections to the drawings under 37 CFR 1.84(p)(4) and 37 CFR 1.84(p)(5) be reconsidered and withdrawn.

**The Specification Amendments**

Paragraphs 0024, 0025, 0030 and 0031 have been amended to delete "chamber 36" and replace it with "chamber 32". New matter has not been added to this application by these amendments. Support for "chamber 32" can be found at page 6, paragraph 25, lines 22-31, and in Figs. 2, 4a, 4b and 4c.

**The Claim Amendments**

Claims 1, 5, 12 and 13 have been amended to more particularly point out and to claim the subject matter that Applicant regards as his invention. New matter has not been added to the application by these amendments.

Support for the amendment to claim 1 can be found in paragraphs 0021 through 0025, Figs. 1, 2, 3, 4a-c, and in the claims as originally filed. In particular, support for the upstream portion 24 and the downstream portion 28 not being collinear and

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intersecting at sidewall chamber 23 can be found in Fig. 3 and in the specification on page 5, paragraph 0022, lines 13-24.

Support for the amendment to claim 5 can be found in paragraphs 0021, lines 20-24.

Support for the amendment to claim 12 can be found in paragraphs 0025, page 6, line 31, through page 7, line 4.

Support for the amendment to claim 13 can be found in paragraph 0024, page 6, lines 1 through 16.

### **Claim Rejections under 35 U.S.C §112**

Claims 5 and 8-13 were rejected under were rejected under 35 USC §112, second paragraph, as being indefinite.

Claims 8-10 have been canceled rendering their rejection moot.

Claim 5 was rejected because the Examiner contended that "said first fluid passage" lacked clear antecedent basis. Claim 5 has been amended to delete the phrase "first fluid passage". Therefore, Applicant respectfully contends that amended claim 5 now depends properly from claim 1 and that antecedent basis can be found for all of the terms in claim 5.

Claim 12 was rejected because the Examiner contended that "the block outlet" lacked clear antecedent basis. Claim 12 has been amended to delete reference to "the block outlet". Therefore, Applicant respectfully contends that amended claim 12 now depends properly from claim 1 and that antecedent basis can be found for all of the terms in claim 12.

Claim 13 was rejected because the Examiner contended that "fist" appeared to be incorrect. Claim 13 has been amended to delete reference to "fist". Therefore, Applicant respectfully contends that amended claim 13 now depends properly from claim 1 and that antecedent basis can be found for all of the terms in claim 13.

Thus, Applicant respectfully requests that the rejection of claims 5, 12 and 13 under 35 USC §112, second paragraph, be reconsidered and withdrawn and that claims 5, 12 and 13 be allowed.

### **35 USC §102(b) Rejection – SU 1486603**

Claims 1-11 and 13 were rejected under 35 USC §102(b) as being anticipated by SU 1486603.

Claims 2-4 and claims 8-10 have been canceled rendering their rejection moot.

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Applicant respectfully disagrees with the Examiner's rejection of Claims 1, 5, 12 and 13 as now amended.

Applicant contends that SU 1486603 discloses a support block (2) secured to a moving element (1) of a mining machine. The support block (2) is attached to a nozzle (5) having a block fluid passage (4) having upstream and a downstream portions.

In contrast, Applicant now claims a cutting tool support block assembly comprising a support block body having a first outer surface portion having a fluid outlet opening and a second outer surface portion having a fluid inlet opening, and a fluid passageway having an upstream portion, a sidewall chamber with a removable plug and a downstream portion. The upstream portion of the fluid passageway is in fluid communication with the fluid inlet opening, on the second outer surface portion of the block body, and with the sidewall chamber. The downstream portion of the fluid passageway is in fluid communication with the fluid outlet opening on the first outer surface portion of the block body, and with the sidewall chamber. The upstream portion of the fluid passageway is not collinear with the downstream portion of the fluid passageway. A spray nozzle is attached to the support block body first outer surface. The spray nozzle comprises a housing having a bottom surface, a fluid inlet passage, a main fluid chamber, and a nozzle outlet. The spray nozzle bottom surface has an elongated recess chamber. The fluid outlet opening of the support block body is in fluid communication with the elongated recess chamber, the elongated recess chamber is in fluid communication with the fluid inlet passage, the fluid inlet passage is in fluid communication with the main fluid chamber and the main fluid chamber is in fluid communication with the nozzle outlet.

Applicant contends that prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claims.

Applicant respectfully contends that SU 1486603 does not teach or suggest a block having non-collinear upstream and downstream fluid passageways that intersect at a sidewall chamber with a removable plug. SU 1486603 also does not teach or suggest a nozzle housing having a bottom surface having an elongated recess chamber that is in fluid communication with a fluid outlet opening in the support block body as is now claimed by the Applicant.

Therefore, Applicant contends that SU 1486603 cannot be held to anticipate amended claim 1 and claims 5, 12 and 13 that depend from claim 1.

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Accordingly, Applicant respectfully requests that the rejection of claims 1, 5, 12 and 13 under 35 USC §102(b) as being anticipated by SU 1486603 be reconsidered and withdrawn, and that claims 1, 5, 12 and 13 be allowed.

**35 USC §103 (a) Rejection – SU 1486603 in view of GB 2117675 and GB 1584635**

Claim 12 was rejected under 35 USC §103(a) as being unpatentable over SU 1486603 in view of GB 2117675 and GB 1584635. The Examiner contends that SU 1486603 discloses the Applicant's invention substantially as claimed, except for the nozzle inlet being at least twice as large as the block fluid outlet. The Examiner contends that GB 2117675 in Fig. 1 and GB 1584635 in Figs. 1 and 3 teach a nozzle inlet being at least twice as large as a block fluid outlet. The Examiner contends that it would have been obvious to the skilled artisan to modify SU 1486603 by making the nozzle inlet end at least twice as large as the block fluid outlet in order to allow for any machining intolerance.

Applicant respectfully disagrees with the Examiner's rejection of claim 12. SU 1486603 has been discussed in detail herein above. GB 2117675 discloses a water spray nozzle for use on a rotary coal cutting head that is insertable with a simple tool such as a screwdriver (see GB '675, at column 1, lines 9-53). GB 1584635 discloses spiral vane discs that are mounted on rotary drive shear type-mining machines (see GB '635, at column 1, lines 8-24).

In contrast, Applicant now claims a cutting tool support block assembly comprising a support block body having a first outer surface portion having a fluid outlet opening and a second outer surface portion having a fluid inlet opening, and a fluid passageway having an upstream portion, a sidewall chamber with a removable plug and a downstream portion. The upstream portion of the fluid passageway is in fluid communication with the fluid inlet opening, on the second outer surface portion of the block body, and with the sidewall chamber. The downstream portion of the fluid passageway is in fluid communication with the fluid outlet opening on the first outer surface portion of the block body, and with the sidewall chamber. The upstream portion of the fluid passageway is not collinear with the downstream portion of the fluid passageway. A spray nozzle is attached to the support block body first outer surface. The spray nozzle comprises a housing having a bottom surface, a fluid inlet passage, a main fluid chamber, and a nozzle outlet. The spray nozzle bottom surface has an elongated recess chamber. The fluid outlet opening of the support block body is in fluid communication with the elongated recess chamber, the elongated recess chamber is in fluid communication with the fluid inlet passage, the fluid

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inlet passage is in fluid communication with the main fluid chamber and the main fluid chamber is in fluid communication with the nozzle outlet. Applicant's amended claim 12 depends from claim 1 and claims the cutting tool support block assembly to according claim 1 wherein said elongated recess chamber has a cross-sectional area at least twice as great as the cross-sectional area of said fluid outlet opening of said block.

Applicant respectfully points out that the MPEP §706.02(j) notes as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully contends that SU 1486603, GB 2117675 and GB 1584635, alone and in combination, do not teach or suggest a cutting tool support block assembly having a fluid passageway having an upstream portion, a sidewall chamber with a removable plug and a downstream portion, wherein the upstream portion and the downstream portion of the fluid passageway are not collinear. Therefore, Applicant contends that SU 1486603, GB 2117675 and GB 1584635 do not teach all the claim limitations found in Applicant's amended claim 1 and dependent claim 12, and thus cannot be properly used as a basis to reject Applicant's amended claims.

Applicant respectfully requests that the rejection of claim 12 under 35 USC §103(a) as being unpatentable over SU 1486603 in view of GB 2117675 and GB 1584635 be reconsidered and withdrawn, and that claim 12 be allowed.

In view of the above amendments and comments, it is believed that claims 1, 5, 12 and 13 are patentable over the art of record. Thus, applicant respectfully requests issuance of a Notice of Allowance indicating claims 1, 5, 12 and 13 are allowed. If any issue remains that could reasonably be resolved on the telephone, the Examiner is requested to telephone the undersigned in order to expedite prosecution of the application.

**Petition for Extension of Time**

Applicant hereby petitions for an extension of time of two months, from September 15, 2005, until November 15, 2005.

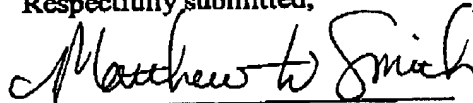
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The Commissioner is hereby authorized to charge any fees; including additional filing fees required under 37 CFR 1.16 and 1.17, in connection with this submission, including the fee for the two month extension of time, to Kennametal Inc.-AMSG corporate Deposit Account No. 502832.

Respectfully submitted,



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